UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. NAVY SEALs 1-26;
 	
 U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5;
 	
 U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1; and
 	
 U.S. NAVY DIVERS 1-3,
 	
      Plaintiffs,
 	
   v.
 	
 JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America; **LLOYD J. AUSTIN, III**, individually and in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, individually and in his official capacity as United States Secretary of the Navy,
 	
      Defendants.
	Case No. 4:21-cv-01236-O

DECLARATION OF ANDREW B. STEPHENS

Pursuant to 28 U.S.C. § 1746, I, Andrew B. Stephens, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.

2. I am one of the attorneys of record for the Plaintiffs in this matter.

3. The information contained in this declaration is based on my personal knowledge.

4. Attached as Exhibit 1 to this declaration is a true and correct copy of a document I received on December 23, 2021 from one of my clients.

5. The document is titled "COMPLAINT OF WRONG UNDER ARTICLE 1150, U.S. NAVY REGULATIONS" against Deputy Chief of Naval Operations (N1) John Nowell (the "DCNO (N1)"), to the Chief of Naval Operations, dated December 23, 2021 (the "Complaint").

6. Attached to the Complaint and referenced therein is a copy of DCNO (N1) Standard Operating Procedure (SOP) for Religious Accommodations dated November 2021 (the "DCNO (N1) SOP").

7. The complainant, a Commander in the United States Navy, states that the DCNO (N1) SOP "demonstrate[s] 1) that the disapproval of my religious accommodation request was pre-determined, 2) that the letter Vice Admiral Nowell sent disapproving my religious accommodation request was a form template, and 3) that the case-by-case review of my request required by law and regulation was a fraud designed to have the appearance of following regulation but was actually conducted after my disapproval letter was written, all DCNO(N1) documentation supporting my disapproval was packaged, and all intermediate routing steps of my religious accommodation request was completed."

8. Attached as Exhibit 2 to this declaration is a true and correct copy of an article titled "Air Force Denies More Than 2,100 COVID-19 Vaccine Religious Exemption Requests," dated December 22, 2021. This article states that "the Air Force has denied 2,130 requests for religious accommodations to the Pentagon's COVID-19 vaccine mandate and has not approved any, the service announced Tuesday."

9. At the Preliminary Injunction hearing held on December 20, 2021, Defendants' counsel stated that the Air Force has approved two Religious Accommodation requests for the COVID-19 vaccine mandate.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on December 23, 2021.

<div style="text-align: right;">

/s/Andrew B. Stephens
ANDREW B. STEPHENS

</div>

EXHIBIT

1

23 Dec 21

From: Commander ███████████, USN/███

To: Chief of Naval Operations

Via: (1) Commander, ████████████████████████
        (2) Vice Admiral John B. Nowell
        (3) Commander, United States Fleet Forces Command
        (4) Commander, ████████████████████████
        (5) Commander, ████████████████████████

Subj: COMPLAINT OF WRONG UNDER ARTICLE 1150, U.S. NAVY REGULATIONS

Ref: (a) Article 1150, U.S. Navy Regulations
        (b) JAGINST 5800.7G, Chapter III
        (c) SECDEF Memo of 24 Aug 2021, Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members
        (d) SECNAV WASHINGTDON DC 302126Z Aug 21(ALNAV 062/21)
        (e) CNO WASHINGTON DC 311913Z Aug 21 (NAVADMIN 190/21)
        (f) 42 U.S.C. 2000bb-1
        (g) DOD Instruction 1300.17, Religious Liberty in the Military Services
        (h) BUPERSINST 1730.11a, Standards and Procedures Governing the Accommodation of Religious Practices

Encl: (1) DCNO (N1) Standard Operating Procedure (SOP), Religious Accommodations SOP Nov 2021
        (2) DCNO (N1) Disapproval of Religious Accommodation Through Waiver of Immunization Requirements, To CDR ██████████, ██████████

1. This complaint of wrong under reference (a) is submitted in compliance with reference (b).

2. Complainant Information:

    a. Current Command: ████████████████████████

    b. Command at time of alleged wrong: ████████████████████████

    c. PRD: ██████████

    d. Current mailing address and e-mail address:

        ████████████████
        ████████████████

    e. Permanent home address and email address:

        ████████████████
        ████████████████

3. Respondent Information:

    a. Rank and Name: Vice Admiral John Nowell, USN

    b. Organization: Deputy Chief of Naval Operations (N1)

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4. Complaint:

    a. Type of Alleged Wrong: Denial of complainant's Constitutional rights under the First and Fifth Amendments through a violation of 42 U.S.C. 2000bb-1, DODINST 1300.17, and BUPERSINST 1730.11A.

        (1) Date alleged wrong discovered: ███████ 2021

        (2) Date written request for redress was submitted to complainant's commanding officer: N/A

        (3) Date answer to request for redress was received: N/A

        (4) Number of calendar days between alleged wrong and submission of complaint: █ days

        (5) Specific, detailed explanation of alleged wrong committed:

On ████████████ I submitted a request to waive COVID-19 immunization requirements due to my religious beliefs that preclude me from receiving a COVID-19 vaccination. I submitted an addendum to that request on ████████████. The Deputy Chief of Naval Operations (DCNO)(N1), Vice Admiral Nowell, signed and dated a disapproval of my request on ████████████

My religious accommodation request was processed by the OPNAV N131 Religious Accommodation team. Enclosure (1) is the Standard Operating Procedure (hereafter DCNO(N1) SOP) that Vice Admiral Nowell and his staff followed to handle the vast increase in COVID-19 related immunization waiver requests resulting from the various military COVID-19 vaccine orders, references (c) through (e). The DCNO(N1) SOP instructs OPNAV N131 staffers on the exact steps to take upon receipt of a religious accommodation request including computer screenshots that demonstrate what lines of text to write and what buttons to click. The DCNO(N1) SOP is broken down into 6 phases, complete with 50 total steps. Many of the steps are fairly innocuous such as Phase 0 Step 2 which requires the staffer to "[r]eply all to the [accommodation request] email and acknowledge receipt of the request with the following response:" Several of the DCNO(N1) SOP steps, however, are not innocuous and provide clear evidence of violations of law per 42 U.S.C. 2000bb-1, and regulations per DODINST 1300.17 and BUPERSINST 1730.11A. I will demonstrate in this complaint that I have been wronged by Vice Admiral Nowell's violations of law and regulations through his use of the DCNO(N1) SOP process in denying my request for religious accommodation. Specifically, I will use the DCNO(N1) SOP to demonstrate 1) that the disapproval of my religious accommodation request was pre-determined, 2) that the letter Vice Admiral Nowell sent disapproving my religious accommodation request was a form template, and 3) that the case-by-case review of my request required by law and regulation was a fraud designed to have the appearance of following regulation but was actually conducted after my disapproval letter was written, all DCNO(N1) documentation supporting my disapproval was packaged, and all intermediate routing steps of my religious accommodation request was completed.

The first 13 steps of the DCNO(N1) SOP are preparation steps in which the OPNAV N131 staffer verifies that the request has all of the required documents and that those documents are moved to the appropriate folder on the shared drive. If the religious accommodation request does have all of the proper documents, then astonishingly, the very first processing step a staffer makes is to add the disapproval template to the folder and to rename the disapproval template file to include the Last Name, First Name, and Rank of the religious accommodation requester. This is done in Step 14.

The very next step, Step 15 on page 7, asks the staffer to open the disapproval template and update the "TO:" line with the requester's Name, Rank, and Designator. DCNO(N1) SOP Step 15 also shows a picture of the disapproval template complete with highlighted portions to indicate what must be replaced with the requester's information in order to prepare the disapproval for routing. There is no approval template mentioned in the SOP. In fact, there is no indication that an approval template has ever been written. I found it shocking that Vice Admiral Nowell permits a process so riddled with systemic religious discrimination that my request was not even reviewed before a disapproval letter was added, tailored to include my name, and only then was routed for review.

The next several steps of the DCNO(N1) SOP direct the OPNAV N131 staffer to prepare the religious accommodation package for routing within their document routing system. Step 20 lists who must review the religious accommodation request including BUMED (Rear Admiral Gillingham), Policy and Strategy (N0975), the Officer Plans and Policy Office, the Special Assistant for Legal Matters, N1 Fleet Master Chief, Total Force Manpower and Personnel Plans and Policy (N13 Front Office), and finally Manpower, Personnel, Training, and Education (N1 Front Office). I felt betrayed to know that my religious accommodation request went to these offices for review with a pre-prepared disapproval letter already included within the package.

Once routing/review is completed by the above offices, the OPNAV N131 staffer begins to package groups of religious accommodation requests together for final signature. This is done in Steps 30 through 32. Step 33 directs the OPNAV N131 staffer to update an internal memo from N13 to Vice Admiral Nowell. This internal memo asks Vice Admiral Nowell to "sign TABs A1 through A10, letters disapproving immunization waiver requests based on sincerely held religious beliefs." TAB B lists all supporting documents including the original religious accommodation request from the requester. It is clear from the DCNO(N1) SOP that all TAB A letters are the same disapproval template letters prepared by the OPNAV N131 staffers in Step 15 immediately upon receipt of the initial religious accommodation request.

Steps 35-38 list the first time an OPNAV N131 staffer is asked to actually read through the religious accommodation request and begin to list details from the request in a spreadsheet for Vice Admiral Nowell's "review". There is a note in ALL CAPS which emphasizes the importance of this review to building the façade that the religious accommodation requests are receiving a case-by-case examination. The note states: "THIS IS THE MOST CRITICAL STEP IN THE ENTIRE PROCESS AND THE CNO AND CNP ARE RELYING ON YOU TO ENSURE THAT YOUR REVIEW IS THOUROUGH AND ACCURATE. DO NOT RUSH THIS PROCESS AND ENSURE THAT YOU UNDERSTAND BEFORE MOVING FORWARD." This step is critical to disguising the systemic religious discrimination within the DCNO(N1) SOP process because according to reference (h) they are required to review each request "on a case-by-case basis, giving consideration to the full range of facts and circumstances relevant to the specific request." Reference (h) goes on to state that "[r]equests to accommodate religious practices should not be approved or denied simply because similar requests were approved or denied." The most significant problem with the DCNO(N1) SOP is that the case-by-case "review" does not happen until Step 35 in the process. By this point, my disapproval letter had already been written (Step 15), my religious accommodation request and related documents had already been returned from the various required reviewing offices (Steps 16-29), my disapproval and religious accommodation request had already been packaged within a batch of other similar requests (Steps 30-32), and, finally, an internal memo had already been drafted from DCNO (N13) to DCNO (N1) requesting that Vice Admiral Nowell disapprove my religious accommodation request (Step 33). All this occurred prior to the official "review" of my religious accommodation request required by law and regulation.

After my entire disapproval package was built and then prepared for Vice Admiral Nowell to sign, the DCNO(N1) SOP Steps 35-38 finally direct the OPNAV N131 staffer to read the entirety of my religious accommodation request package including my original request, the BUMED Memo, and the Legal Memo.

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They are then directed to add any additional pertinent information from the package and place that information into a spreadsheet. This spreadsheet is evidence, not of a true case-by-case review of the religious accommodation request, because the result at this point in the DCNO(N1) SOP process, is a forgone conclusion. This spreadsheet is evidence instead of the systematic and deliberate attempts taken by Vice Admiral Nowell and his staff to appear compliant with regulatory requirements while actually depriving me of my rights to due process under the Fifth Amendment and my rights to freedom of religious expression under the First Amendment of the Constitution.

In addition to fraudulently attempting to appear legal and in compliance with regulation, it is plainly clear that the DCNO(N1) SOP process is also designed to streamline the subsequent (and pre-determined) disapproval upon receipt of a religious accommodation request. The DCNO(N1) SOP, especially Step 35, makes it clear that the secondary goal (after streamlining the pre-determined disapproval), is to protect Vice Admiral Nowell from potential legal blowback in the event he is asked for proof that a case-by-case review was completed for each religious accommodation request. Even though the DCNO(N1) SOP is blatantly defying requirements under both law and regulation, in my personal disapproval letter, enclosure (2), Vice Admiral Nowell made the statement that "[a]ll requests for accommodation of religious practices are assessed on a case-by-case basis." Vice Admiral Nowell goes on to state that "[i]n making this decision, I reviewed reference (g) [my religious accommodation request], including the endorsements from your chain of command, the local chaplain and the advice of Chief, Bureau of Medicine and Surgery in reference (h)." While the DCNO(N1) SOP cannot prove that Vice Admiral Nowell is lying in making this last statement, enclosure (1) does prove that any review of my religious accommodation request that Vice Admiral Nowell may or may not have conducted, had no bearing on my discriminatory and pre-determined disapproval which he signed on ███████████.

Vice Admiral Nowell and his staff are ignoring the requirements of both the Religious Freedom Restoration Act and DODINST 1300.17. The requirements under law, per reference (f), and the requirements of policy, per reference (g), oblige the Navy to accommodate my religious freedom unless 1) the military policy, practice, or duty is in furtherance of a compelling governmental interest, and 2) it is the least restrictive means of furthering that compelling governmental interest. Both references (f) and (g) also place the burden of proof for the compelling governmental interest and least restrictive means "upon the DoD Component and not upon the individual requesting the exemption." In denying my request, as demonstrated throughout both enclosures (1) and (2), Vice Admiral Nowell failed to prove a compelling governmental interest. In fact, Vice Admiral Nowell denied my request using a disapproval template and relied upon a BUMED Memo which was also a preprepared template. Neither the disapproval template used by Vice Admiral Nowell, nor the BUMED template used by Rear Admiral Gillingham, addressed in any way the overwhelming evidence I provided in my original religious accommodation request from █ ████████████   and my addendum from ███████████.

Vice Admiral Nowell has violated both law and regulation in utilizing the discriminatory process established in the DCNO(N1) SOP. This process attempts to circumvent established standards required by both law and regulation while attempting to hide unlawful actions behind an intentionally designed façade meant to wrongfully appear compliant with regulatory standards. The discriminatory process used by Vice Admiral Nowell to disapprove my religious accommodation request has caused me personal detriment by denying me my right to due process under the Fifth Amendment and my right to freedom of religious expression under the First Amendment of the Constitution. The process used by Vice Admiral Nowell to review religious accommodation requests must be brought into compliance with law and regulation immediately before more sailors are harmed.

I have deep concerns that this complaint, detailing the discriminatory disapproval process for religious accommodations in the Navy, will not be properly address and will instead be ignored and dismissed. Due to these concerns I intend to copy this communication to both the House and Senate Armed

Services Committees in the hope that this will ensure that all unlawful religious discrimination in the Navy is properly addressed. I also remind reviewers of this complaint that this is a protected communication under 10 U.S.C. 1034 and its implementing regulations.

         (6)   As redress I respectfully request that you immediately cease the unlawful and discriminatory review process for Navy Religious Accommodations and that you rescind my disapproval and all such disapprovals executed to date. I also request that you re-review each such religious accommodation request in accordance with law and regulation, including meeting the government's burden of proof as required by 42 U.S.C. 2000bb-1 and DODINST 1300.17.

5.   I CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THIS COMPLAINT IS SUBMITTED PER THE GUIDELINES AND PROCEDURAL REQUIREMENTS IN CHAPTER III, MANUAL OF THE JUDGE ADVOCATE GENERAL.

SIGNATURE OF COMPLAINANT: ███████████ Date: ███████

SIGNATURE OF WITNESS: ███████████ Date: ███████

PRIVACY ACT STATEMENT

1. Authority. 10 U.S.C. §§ 938, 8013.

2. Principal purpose(s). Used by command authorities and the Office of the Judge Advocate General to review, take action, and make recommendations to the Secretary of the Navy on Article 138, UCMJ, and Article 1150, U.S. Navy Regulations, complaints of Wrong.

3. Routine uses. The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation in the Federal Register apply.

4. Mandatory or voluntary disclosure and effect on individual not providing information. Providing requested information is voluntary; however, failure to do so may result in delayed command action and Secretarial review, or the inability to notify complainant of the Secretary's decision.

Religious Accommodations

Background: On 22 January 2014, SECDEF released a new DoDI (see TAB A) changing the way requests for religious accommodation would be routed and reviewed. Previously, Commanding Officers had the authority to approve or deny requests for religious accommodation. There was no consistency and some Commanding Officers did not significantly evaluate the request. The DoDI transferred the decision authority for all requests for religious accommodation that fall outside current uniform and grooming standards as well as Navy policy to CNP. In order to ensure each request is given due consideration, the DoDI instructs CNP to view each request in its entirety. Each request is evaluated on a case by case basis. For example, a request from an operational member to grow a beard may be denied, while the same request made by a Sailor on shore duty could be approved. Whatever the decision, it is only valid while the Sailor's circumstances remain the same. If the Sailor executes PCS orders or the nature of the Sailor's work changes significantly, a new request will have to be routed. The Sailor must abide by current Navy standards and policy while the request is being adjudicated. Reservists also fall under this instruction. They are required to submit their requests via the same channels as active duty.

Step-by-Step Instructions

Phase 0 (Steps 1 – 5)

1. N131 receives Religious Accommodation (RA) requests via a functional email distro, ALTN_Navy_Religious_Accommodations@navy.mil. The inbox only reliably receives email from NMCI email addresses, so submitters are encouraged to send an email without an encrypted endorsement first to ensure communication is received. Here is an example of an email requesting consideration of an RA:
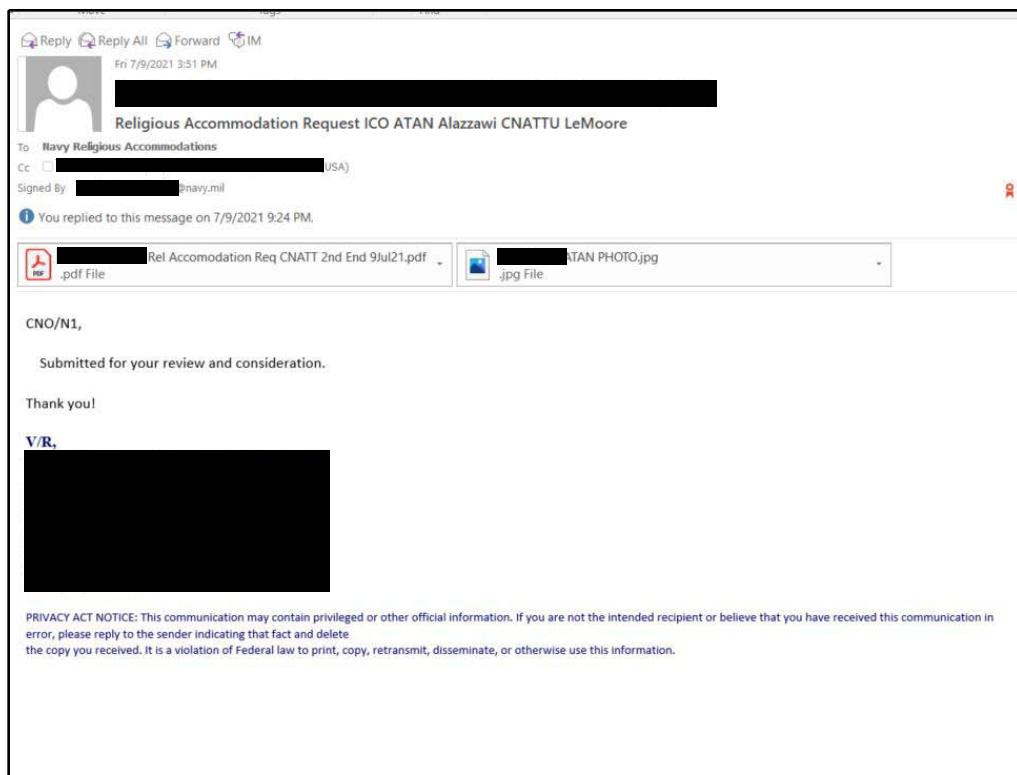
2. Reply all to the email and acknowledge receipt of the request with the following response:

> YN2,
>
> I have received your message and will begin routing the RA package for ██████████████.
>
> An individual response letter will be returned to the command once the member's accommodation has been adjudicated.
>
> Very Respectfully,

3. Go to the Phase 0 - N131 Pre-Tracker folder on the shared drive and select the appropriate folder.

BUPERS_ALTN_N45997_N13 (\\naeawnydfs101v.nadsusea.nads.navy.mil\cs022$) (Z:) › N131 › N131D › 2N131D22 RA Adjudications › Phase 0 - N131 Pre-Tracker

Name	Date modified	Type	Size
Not Immunization	11/1/2021 2:20 PM	File folder	
Missing Files	11/2/2021 4:49 PM	File folder	
Immunization	11/2/2021 10:30 PM	File folder	
APPEALS	11/1/2021 1:21 PM	File folder	

4. Create a new folder with the following nomenclature: Last, First RANK.

BUPERS_ALTN_N45997_N13 (\\naeawnydfs101v.nadsusea.nads.navy.mil\cs022$) (Z:) › N131 › N131D › 2N131D22 RA Adjudications › Phase 0 - N131 Pre-Tracker › Immunization

Name	Date modified	Type	Size
~NextBatch	11/2/2021 5:02 PM	File folder	
~USNA Do Not Touch	10/27/2021 10:43 AM	File folder	
████████MMN3	11/2/2021 8:11 PM	File folder	
████████SN	11/2/2021 7:54 PM	File folder	
████████LN1	11/2/2021 10:06 PM	File folder	
████████BM2	11/2/2021 9:31 PM	File folder	
████████CTR3	11/2/2021 6:13 PM	File folder	

5. Drag and drop a copy of the request and the original email.

BUPERS_ALTN_N45997_N13 (\\naeawnydfs101v.nadsusea.nads.navy.mil\cs022$) (Z:) › N131 › N131D › 2N131D22 RA Adjudications › Phase 0 - N131 Pre-Tracker › Immunization › ████████MMN3

Name	Date modified	Type	Size
1730 - 340 DISAPPROVAL RECOMMENDATION ICO MMN3 ████████RELIGIOUS ACCOMMODATION	11/2/2021 8:11 PM	Adobe Acrobat D...	417 KB
NPTU CHARLESTON RECOMMENDATIONS FOR RELIGIOUS ACCOMMODATIONS (5)	11/2/2021 8:11 PM	Outlook Item	7,055 KB

2

Phase 1a (Steps 6 – 13)

6. Open the RA Tracker located on the shared drive at N131 > N131D > 2N131D23 RA Tracker >
   Data tab. Add the new request to the bottom of the spreadsheet and ensure there are no duplicate
   entries. Fill in all vacant fields using the Original request as the authoritative data source

7. Move the file to the Phase 1 - Initial Intake\Phase 1 - Immunizations\00 Initial Drop Off folder.

8. Open the original request to ensure the following are included IAW BUPERSINST 1730.11A and
   MILPERSMAN 1730-020: (Appeals only require member's request and command endorsement)
   a. Member's Request
   b. Command Endorsement (+Second Endorsement if not an O-6 Command)
   c. Chaplain Memo
   d. Chaplain Checklist
   e. Page 13 (Immunizations Only)

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9.   The Member's request should look like this and addressed to the CO, or CNO or DCNO (N1)

21 JUN 2021

From: ▆▆▆▆▆▆▆▆ USN
To: Commanding Officer, CNATTU Lemoore, USN

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) DoD Instruction 1300.17
     (b) SECNAVINST 1730.8
     (c) BUPERSINST 1730.11

Encl: (1) Photograph (to show the neat and conservative manner of requested policy waiver)
     (2) Chaplain interview checklist
     (3) Religious leader endorsement letter

1. Pursuant to reference (a) through (c), I am requesting a religious accommodation from Navy policy to grow my beard in a neat and conservative manner due to my strongly held religious belief and practice of my faith that prohibits shaving for Muslim males in accordance with tradition of the Prophet Muhammad.

2. My request is based on my religious beliefs and views that Muslim men who abide by the Qur'an and the example of the Prophet Muhammad are not permitted to shave their beard though they are able to ensure proper grooming to maintain and present in an acceptable way.

3. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operation, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

▆▆▆▆▆▆▆▆▆▆▆▆▆▆

(Signature)

10. A Command Endorsement with a CO recommendation (ISIC required if not an O-6);

DEPARTMENT OF THE NAVY
CENTER FOR NAVAL AVIATION TECHNICAL TRAINING UNIT
733 ENTERPRISE AVENUE
LEMOORE CA 93246-5016

1730
Ser 00/184
24 Jun 21

FIRST ENDORSEMENT on ▆▆▆▆▆▆▆▆▆▆ USN ltr dtd 21 Jun 21

From: Commanding Officer, Center for Naval Aviation Technical Training Unit, Lemoore
To: Chief of Naval Operations (N1)
Via: (1) Commanding Officer, Naval Education and Training Command
     (2) Commanding Officer, Center for Naval Aviation Technical Training

Subj: APPROVAL RECOMMENDATION ICO ▆▆▆▆▆▆▆▆USN, RELIGIOUS ACCOMMODATION

Ref: (a) DoD Instruction 1300.17
     (b) SECNAVINST 1730.8
     (c) BUPERSINST 1730.11A

Encl: (1) Sailor's request of 21 Jun 21
     (2) Chaplain Memorandum and Interview Checklist
     (3) Sailor photograph
     (4) Religious Leader endorsement letter

1. Per references (a) through (c), I am forwarding this request recommending approval in part during the following environments:

   a. Operational recommendation: N/A

   b. Non-operational recommendation: N/A

   c. Training environment recommendation: Service member is attached to the ▆▆▆▆▆▆▆▆ I recommend approval of a beard, not to exceed two inches in length outside of the Navy's grooming standards while assigned to this command.

2. The following information is provided for consideration as applicable (articulate the factual basis underlying any compelling government interest and why the denial or partial denial is the least restrictive means available to protect the compelling government interest over the individual request):

   a. The importance of military policy, practice or duty from which religious accommodation is sought in terms of mission accomplishment, including:

     (1) Military readiness: None

     (2) Unit cohesion: None

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11. Chaplain Memorandum for the Record and interview checklist from the Chaplain who interviewed the Sailor about the request for religious accommodation.

CHAPLAIN MEMORANDUM FOR THE RECORD

From ███████████████ USN
To: COMMANDING OFFICER, ███████████████

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE BASED ON RELIGIOUS BELIEF ICO ███████████

Ref: (a) SECNAVINST 1730.8B
      (b) SECNAVINST 1730.9A
      (c) BUPERSINST 1730.11A
      (d) RELIGIOUS AFFILIATION LETTER

1. ███████████ has submitted a request for accommodation of religious practice per reference (a). Per BUPERSINST 1730.11A, I interviewed the requestor on 11 Jun 2021. I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.

2. ███████████ met with me to solicit assistance in requesting a waiver of grooming standards due to his religious beliefs, that shaving one's beard is not a permissible practice within the Islamic faith as a beard is considered a symbol of a devout Muslim man following in the way of the Prophet Muhammad.

3. ███████████ lists his religious preference as Muslim in accordance with NAVPERS 1070/602.

4. An alternate means of meeting this religious requirement is unavailable.

5. After an extensive interview and review of ███████████'s supporting materials, I am persuaded as to the sincerity of his belief. I have spoken with ███████████ on several occasions concerning his deeply held religious beliefs and am thoroughly convinced of his devotion to those beliefs. ███████████ has provided reference (d), which is a letter from the Imam Mahdi Association of Marjaeya in support of this request for religious

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16 Mar 2020

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:				Interview Date: 11 JUN 21	
Name:				Chaplain Interviewer: ██████	
Phone:	████████			Phone:	
Email:		░ ░mail · Com	E-mail: ███████	@NAVY.MIL	
Command:	████████			Chaplain's Command: ████	

			Interview Preliminaries	
Yes	No	N/A		
X			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.	
/			Applicant was notified that the interview is not confidential and will be used to advise the command.	
/			Chaplain explained to the applicant that confidential support can be received from another chaplain.	
		X	Applicant has been granted a waiver for this practice previously.	
X			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.	

			Type of Waiver Requested	
Yes	No	N/A		
		X	Uniform standards	
X			Grooming standards	
		/	Immunization requirements	
		/	DNA sampling	
		/	Other (Please describe):	

			Interview	
Yes	No	N/A		
X			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:	
/			1. Requestor was credible (consistently keeps tenets, practices, etc.).	
/			2. Requestor's demeanor and pattern of conduct are consistent with the request.	
/			3. Requestor participates in activities associated with the belief(s).	
/			4. Other persons supporting the claim are credible.	
X			5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.	
/			Alternate means of accommodating the practice were explored in the interview.	

			Process Checklist	
Yes	No	N/A		
X			Chaplain has prepared a memorandum documenting the interview.	
X			Chaplain reviewed memorandum with applicant and provided a copy.	
X			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.	
X			Chaplain referred applicant to command to process request.	

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12. Page 13 (Immunizations Only)


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ADMINISTRATIVE REMARKS
NAVPERS 1070/613 (REV. 08-2012)  PREVIOUS EDITIONS ARE OBSOLETE          SUPPORTING DIRECTIVE MILPERSMAN 1070-320

SHIP OR STATION:
████████████████████████████

SUBJECT:                                            ☒ PERMANENT      ☐ TEMPORARY
COVID-19 Administration Counseling/Warning          AUTHORITY (IF PERMANENT):
                                                    BUPERSINST 1730.11A and ALNAV 062/21

I request a waiver of the COVID-19 immunization. I hereby state that my request is based upon religious objections to the
COVID-19 immunization. I acknowledge having received the following counseling:

1. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

2. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

3. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health
regulations.

4. If my job duties change, I may need to route a new request.

5. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties
change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk
of disease.


████████████████████████████
Service Member's Signature    Date/Signed

████████████████████████████
Witness' Signature    Date/Signed




ENTERED AND VERIFIED IN ELECTRONIC SERVICE RECORD:
VERIFYING OFFICIAL RANK OR GRADE/TITLE:  DATE:    SIGNATURE OF VERIFYING OFFICIAL:

NAME (LAST, FIRST, MIDDLE):              SOCIAL SECURITY NUMBER:  BRANCH AND CLASS:
████████████                             ████████                 USN / ACTIVE
                    FOR OFFICIAL USE ONLY
                    PRIVACY SENSITIVE
```

13. If all the documents are included and completed properly route to RA Adjudications\Phase 1 - Initial Intake\Phase 1 - Immunizations\01 Ready For Processing

   a. If any of those items are missing, send to 02 Packages Awaiting Documents so the command can be contacted to inquire their whereabouts or the reasons for the error.
      i. Contact Command via email and follow up with a phone call within 48 hours
      ii. Ensure the folder is labeled with the missing documents

   b. If there are multiple files send to 03 Folders That Need to Be Consolidated so the items can be consolidated and routed to are missing, send to 02 Packages Awaiting Documents so the command can be contacted to 01 Ready For Processing.

   c. If the request is for a Sailor assigned to a joint command, move it to 04 Sailors Jointly Assigned - Do Not Process

   d. If the member sends an email withdrawing their request, add the email to their folder and move to 05 Member Withdrawn - DO NOT PROCESS\

   e. For any other issues, move to 06 Other Issues - LT Neuer Review

Phase 1 (Steps 14 – 15)

14. Inside the Phase 1 - Immunizations\01 Ready For Processing folder, add the most recent RA Response Letter template and rename the files to the following nomenclature:
    a. 1 - RA Response Letter ICO *Last First RANK*
    b. 2 - RA Request ICO *Last First RANK*
    c. 5 - Original Email ICO *Last First RANK*

> N131D > 2N131D22 RA Adjudications > Phase 1 - Initial Intake > Phase 1 - Immunizations > 01 Ready For Processing > FCC Hickman (A-F) > Achanzar, Joshua HN

Name	Date modified	Type	Size
1 - RA Response Letter ICO ▮▮▮▮HN	10/27/2021 9:35 AM	Microsoft Word D...	43 KB
2 - RA Request ICO▮▮▮▮HN	10/28/2021 7:10 PM	Adobe Acrobat D...	512 KB
5 - Original Email ICO ▮▮▮▮HN	11/1/2021 11:34 AM	Outlook Item	618 KB

15. Open 1 - RA Response Letter ICO Last, First RANK to update the response letter to reflect the new request's specific information from the 2 – RA Request ICO Last, First RANK document. The highlighted sections below are the sections that will need to be updated. Save those changes and route to Phase 3 after verification of all five initial documents are confirmed from Step 8.

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

1730
Ser N1/

From: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)
To: RATE/RANK (DESIG) First MI Last, USN
Via: Commanding Officer, PCU HYMAN G. RICKOVER (SSN 795)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF IMMUNIZATION REQUIREMENTS

Ref: (a) 42 U.S.C. §2000bb-1
      (b) DoD Instruction 1300.17 of 1 September 2020
      (c) SECNAVINST 1730.8B
      (d) ASN (M&RA) memo of 6 June 13
      (e) MILPERSMAN 1730-020
      (f) United States Attorney General memo of 6 October 17
      (g) Your ltr of 20 Dec 20 w/ends
      (h) BUMED ltr 6320 Ser M44/21UMXXXXX of dd Mmm yy

1. Pursuant to references (a) through (h), your request for religious accommodation through waiver of immunization requirements is disapproved. You must receive all required vaccines. However, you are free to request from your healthcare provider alternative vaccines that are available and meet the Navy's immunization requirements, as determined by a credentialed military healthcare provider. You are free to choose which COVID-19 vaccine to take. If you choose a COVID-19 vaccine that requires two doses, you must receive your first does within five calendar (5) days upon receipt of this letter and complete the series as prescribed. If you choose a one-dose vaccine you must meet the established vaccination timeline or receive the vaccine within five calendar (5) days upon receipt of this letter, whichever is later.

2. In line with references (b) through (d), I am designated as the approval authority for requests for religious accommodation.

3. Reference (a), the Religious Freedom Restoration Act (RFRA), states that the Government may substantially burden an individual's exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. Reference (b) incorporates the RFRA and notes that the Government has a compelling interest in mission accomplishment, to include military readiness, unit cohesion, good order and discipline, health and safety, on both individual and unit levels. Additionally, unless it will have an adverse impact on mission accomplishment, including military readiness, unit cohesion and good order and discipline, the Navy will accommodate individual expressions of sincerely held beliefs of Sailors. Reference (f)

7

Phase 3 (Steps 16 – 28)

16. Uploaded into DonTracker. Visit dontracker.navy.mil to log in.
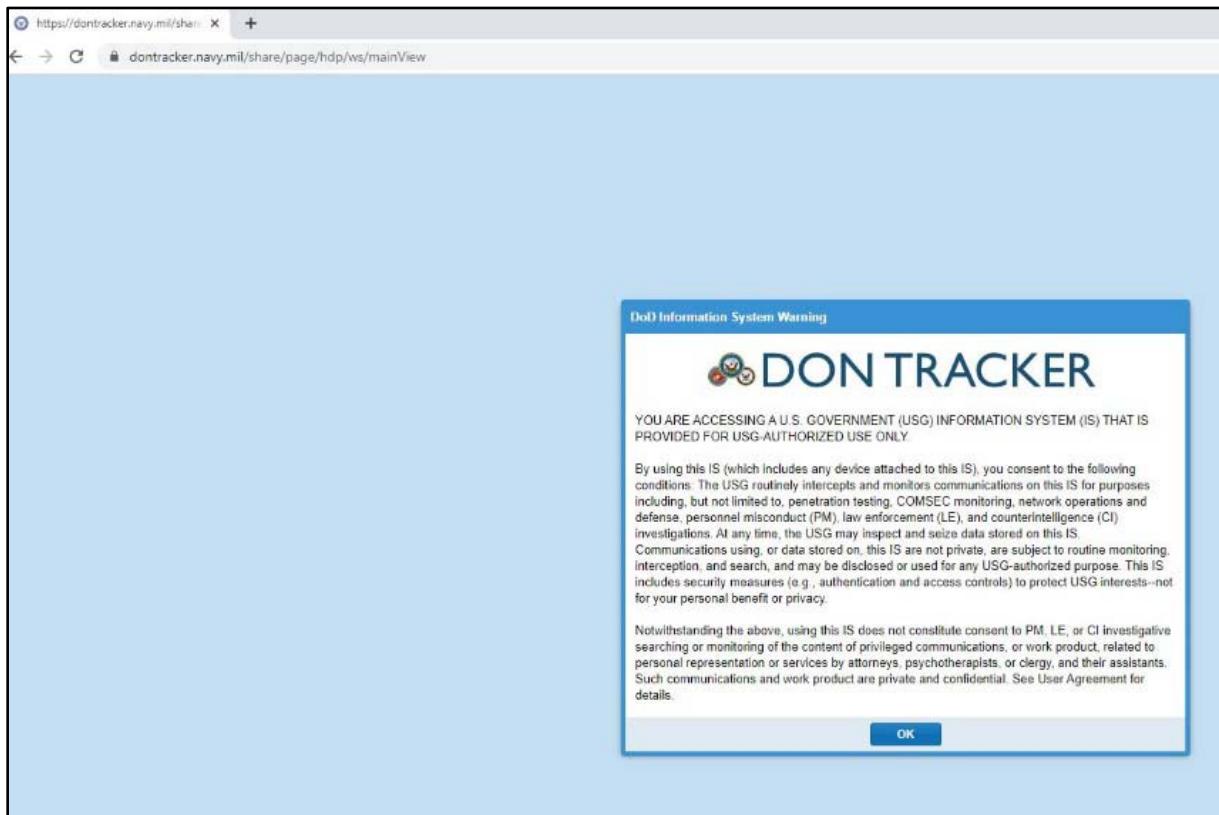
17. Once logged in, go to Taskers > Inbox

18. Once at the Inbox, select New > Templates > Religious Accommodation Request.
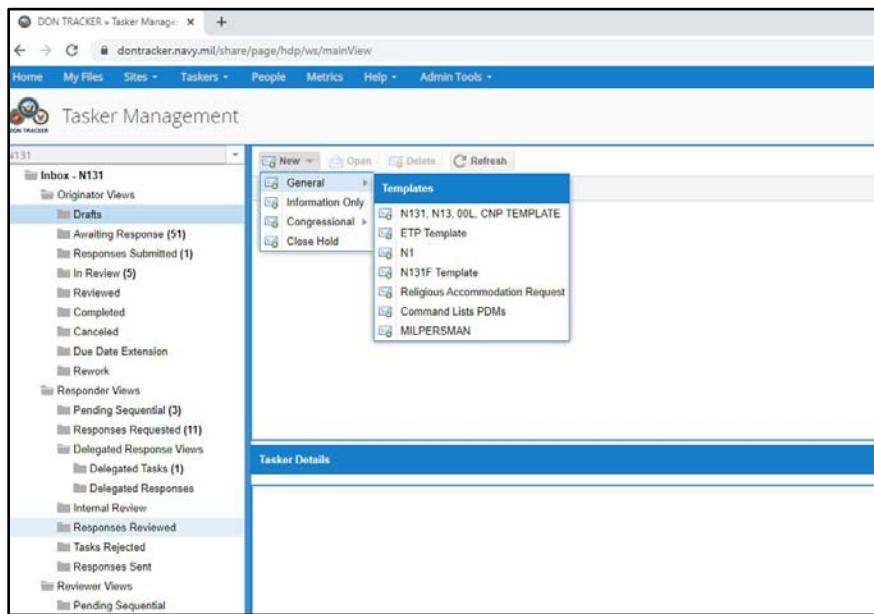
19. Under Tasker Details fill in the following information:
   a. Subject—Religious Accommodation ICO *Rank/Rate Last Name*;
   b. Due Date—Due date is 7 days, but select the next business day;
   c. Priority—Select Medium;
   d. Point of Contact—Insert the name of the person who is responsible for the process.

20. Under Responders, is where you designate who reviews the tasker and their respective deadlines.
   e.   Due Dates will automatically be populated based on the 7-day deadline;
      i.   BUMED (SECRETARIAT - TASKER GROUP) (BUMED (FRONT OFFICE))
      ii.   POLICY AND STRATEGY (N0975 TASKER GROUP)
      iii.   SPECIAL ASSISTANT FOR LEGAL MATTERS (CNP LEGAL FRONT OFFICE)
      iv.   N1 FLEET MASTER CHIEF (N1 FLEET)

	Type	*Responder	Description/Instructions	*Due Date
1	Responder	*BUMED (SECRETARIAT - TASKER GROUP) (BUMED (FRONT OFFICE))		*
2	Responder	*POLICY AND STRATEGY (N0975 TASKER GROUP)		*
3	Responder	*OFFICER PLANS AND POLICY OFFICE (N131)		*
4	Responder	*SPECIAL ASSISTANT FOR LEGAL MATTERS (CNP LEGAL FRONT OFFICE)		*
5	Responder	*N1 FLEET MASTER CHIEF (N1 FLEET)		*
6	Responder	*TOTAL FORCE MANPOWER AND PERSONNEL PLANS AND POLICY (N13 FRONT OFFICE)		*
7	Responder	*MANPOWER, PERSONNEL, TRAINING, AND EDUCATION (N1 FRONT OFFICE)		*

Responders — Add ▾ | Edit Multiple | Remove | Revert | Workflow Type: Parallel

21. In the Attachments section, select Add Attachment > Add Local Files > then select and categorize the following files:
   f.   1 - RA Response Letter ICO *Last First RANK* (Organizational Response)
   g.   2 - RA Request ICO *Last First RANK* (Original Source Document)

Attachments

Add Attachment

File Name and Version	Description	*Category	Document Date

22. Below is completed tasker. If no other changes are necessary, click Send to begin the workflow.

23. Once the workflow has started, you will receive the following message.
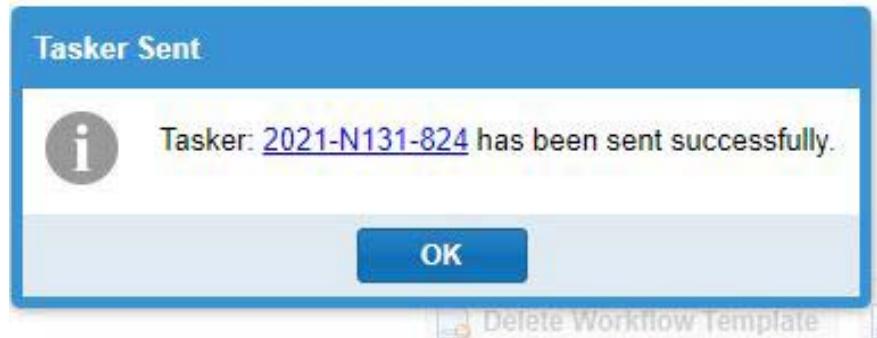
24. You must periodically check the status of the by going to your Inbox > Awaiting Responses. The taskers can be sorted by tasker number, subject, due date, etc. By clicking on a tasker, you can see where the tasker is in the process in the Tasker Details window,

25. Retrieve legal memos from the following folder: RA Adjudications\New Legal Memo Dropoff and add to the folder.

26. Once a response by BUMED populates, download the BUMED Memo to the member's folder. Ensure the name and date of member's request are accurate (if not correct send back for rework).

27. Update Date/Serial in Ref H on the Response Letter (1 - Response Letter ICO Last, First RANK)

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

1730
Ser N1/

From: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)
To: RATE/RANK (DESIG) First MI Last, USN
Via: Commanding Officer, PCU HYMAN G. RICKOVER (SSN 795)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
      IMMUNIZATION REQUIREMENTS

Ref: (a) 42 U.S.C. §2000bb-1
      (b) DoD Instruction 1300.17 of 1 September 2020
      (c) SECNAVINST 1730.8B
      (d) ASN (M&RA) memo of 6 June 13
      (e) MILPERSMAN 1730-020
      (f) United States Attorney General memo of 6 October 17
      (g) Your ltr of 20 Dec 20 w/ends
      (h) BUMED ltr 6320 Ser M44/21UMXXXXX of dd Mmm yy

1. Pursuant to references (a) through (h), your request for religious accommodation through
waiver of immunization requirements is disapproved. You must receive all required vaccines.
However, you are free to request from your healthcare provider alternative vaccines that are
available and meet the Navy's immunization requirements, as determined by a credentialed
military healthcare provider. You are free to choose which COVID-19 vaccine to take. If you
choose a COVID-19 vaccine that requires two doses, you must receive your first does within five
calendar (5) days upon receipt of this letter and complete the series as prescribed. If you choose a
one-dose vaccine you must meet the established vaccination timeline or receive the vaccine
within five calendar (5) days upon receipt of this letter, whichever is later.

2. In line with references (b) through (d), I am designated as the approval authority for requests
for religious accommodation.

3. Reference (a), the Religious Freedom Restoration Act (RFRA), states that the Government
may substantially burden an individual's exercise of religion only if it demonstrates that
application of the burden to the person is in furtherance of a compelling governmental interest
and is the least restrictive means of furthering that interest. Reference (b) incorporates the RFRA
and notes that the Government has a compelling interest in mission accomplishment, to include
military readiness, unit cohesion, good order and discipline, health and safety, on both individual
and unit levels. Additionally, unless it will have an adverse impact on mission accomplishment,

28. Once a tasker has been responded to by N0975, CNP LEGAL FRONT OFFICE, N1 FLEET, and
BUMED, send to the Phase 4 folder - 0 Ready For Processing / 00 Phase 3 Drop Off

C > BUPERS_ALTN_N45997_N13 (\\naeawnydfs101v.nadsusea.nads.navy.mil\cs022$) (Z:) > N131 > N131D > 2N131D22 RA Adjudications > Phase 4 - Ready for N131 Review			

Name	Date modified	Type	Size
0 Ready For Processing	11/2/2021 8:17 PM	File folder	
1 Awaiting LT ▮▮▮▮▮	11/2/2021 8:11 PM	File folder	

29. Do not forward unless all stakeholders have reviewed and following documents are in the folder:
    a. 1 - RA Response Letter ICO *Last First RANK*
    b. 2 - RA Request ICO *Last First RANK*
    c. 3 - RA Legal Memo ICO *Last First RANK*
    d. 4 - BUMED Memo ICO *Last First RANK*
    e. 5 - Original Email ICO *Last First RANK*

13

Phase 4 (Steps 29 – 44)

30. Create a new folder with the following nomenclature:
    a. DD_MON_YY – In Progress

Name	Date modified	Type	Size
00 Phase 3 Drop Off	11/3/2021 2:07 AM	File folder	
29_Oct_21 Bin 2 COMPLETE	11/2/2021 5:02 PM	File folder	
29_Oct_21 Bin 3 COMPLETE	10/29/2021 5:15 PM	File folder	
29_Oct_21 Bin 4 IN WORK - NOT FULL	10/29/2021 2:16 PM	File folder	
+ 2N131D22 RA Adjudications - Shortcut	10/28/2021 3:48 PM	Shortcut	2 KB
+ N13 to N1 Buckslip - Template - Bin X	10/6/2021 4:11 PM	Microsoft Word D...	26 KB
+ REF B - RA Immunizations Requests Tra...	11/2/2021 3:16 PM	Microsoft Excel W...	13 KB
+ TAB C Coordination Page RA Template ...	9/25/2021 5:16 PM	Microsoft Word D...	14 KB
+ TEMPLATE RA Response Letter	10/27/2021 10:30 AM	Microsoft Word D...	47 KB

BUPERS_ALTN_N45997_N13 (\\naeawnydfs101v.nadsusea.nads.navy.mil\cs022$) (Z:) › N131 › N131D › 2N131D22 RA Adjudications › Phase 4 - Ready for N131 Review › 0 Ready For Processing

31. Add 10 folders from 00 Phase 3 Drop Off folder
    a. Priority (CMD Triad/Other Priority)
    b. Officers/E-9
    c. Oldest to Newest Active Duty/MOB/RECALL
    d. SELRES

32. Add the following documents to the DD_MON_YY – In Progress folder
    a. N13 to N1 Buckslip - Template
    b. REF B - RA Immunizations Requests Tracker Template
    c. TAB C Coordination Page RA Template
    d. REF A - DCNO N1 1730 ltr Ser 114168 of 20 Aug 21

33. Open N13 to N1 Buckslip. Update the date and list of 10 attachments based on the selected files.

14
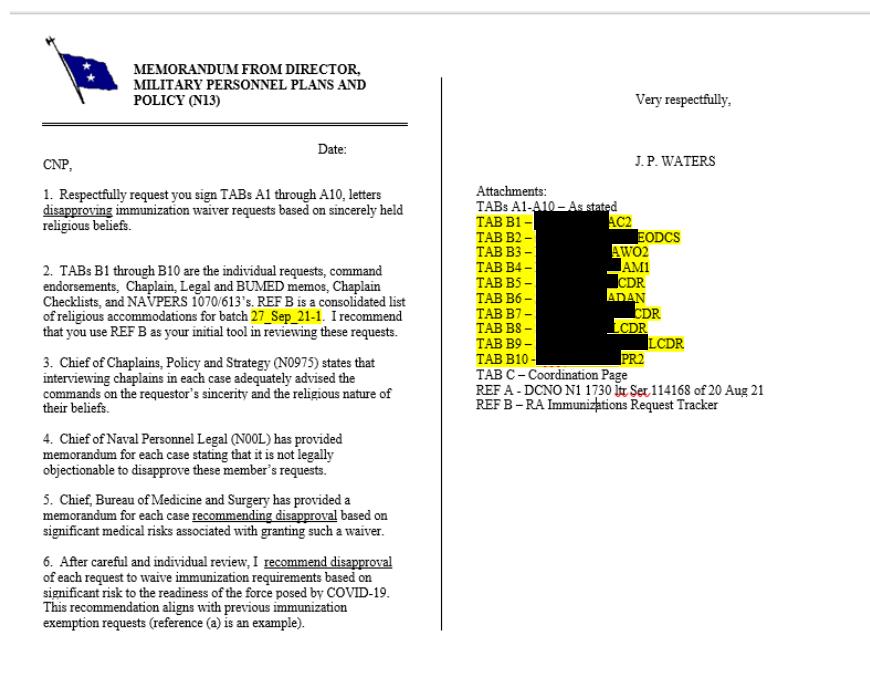
34. Open the following document: REF B - RA Immunizations Requests Tracker Template

35. Begin filling in the spreadsheet after reading through the entirety of the buckslip, original request, BUMED and Legal Memos and add any pertinent information for DCNO (N1) to consider. THIS IS THE MOST CRITICAL STEP IN THE ENTIRE PROCESS AND THE CNO AND CNP ARE RELYING ON YOU TO ENSURE THAT YOUR REVIEW IS THOUROUGH AND ACCURATE. DO NOT RUSH THIS PROCESS AND ENSURE THAT YOU UNDERSTAND BEFORE MOVING FORWARD.

36. Ensure all the information (dates/name spellings/letter formatting) match.

37. Move to the right side of the spreadsheet.

38. When Complete, save changes as DD_MON_YY

39. Open "TAB C - Coordination Page – *Rank/Rate Last Name*" to update the dates on the coordination page to the current date of processing to match the folder. Save the changes.

COORDINATION PAGE

Sailor Request - Accommodation from MILPERSMAN 1730-020 to waive immunization requirements.

DCNO N1 Response – Disapproval (Member and Fleet Safety)

Office/Dept	Point of Contact/Title	Phone	Date	Remarks
OPNAV (N0975)	LCDR S. Deese	(703) 695-3824	25 Sep 21	The interviewing chaplain adequately advised the command on the requestor's sincerity and the religious nature of their beliefs.
OPNAV N1 FLT equity for Officers	FLTCM W. Koshoffer	(703) 604-2616	25 Sep 21	Concur/ No
OPNAV N1 JAG	CDR A. Leahy	(703) 604-5804	25 Sep 21	Concur
OPNAV (N131)	CDR D. Cua	(703) 604-5023	25 Sep 21	Concur
OPNAV (N13)	RADM J. P. Waters	(703) 604-5040		
OPNAV (N1)	VADM John B. Nowell, Jr	(703) 604-2748	_____	_____

40. Upon Completion of the file modification, move entire file to 4 - Ready for N131 Review\2 Awaiting N131 Review (LT Didawick) or 3 Awaiting N131 Review (CDR Cua) based on your assigned reviewer identified on the organization chart.

41. Rename Folder and files with appropriate batch number
    a. DD_MON_YY-1 (1st Batch)
    b. DD_MON_YY-2 (2nd Batch)

42. After Review from Phase 4 is complete, drop files in the following folder: \\naeawnydfs101v.nadsusea.nads.navy.mil\CS021$\BUPERS_ALTN_N45997_N1\COVID-19 RA

43. Link the spreadsheet in the folder to the locations by pressing CTRL+K on the word "here"

44. Email the N13 Front office that the folder is ready.

	To...	Katson, Mery Angela Sanabria CAPT USN DCNO N1 (USA)
Send	Cc...	Ausen, Kelsey R PO1 USN DCNO N1 (USA); Molina, Gary LCDR USN DCNO N1 (USA); Didawick, Joshua A LT USN DCNO N1 (USA) <joshua.didawick@navy.mil>
	Subject	Ready for Review 2_Nov_21-2

Deputy,

Please see RA 2_Nov_21-2 at your earliest convenience here.

V/r

Phase 5 (Steps 45 – 47)

45. The request will be routed through the deputy to N13. Once a decision is made by N13, the N13 Administrative Assistant will update the Coordination Page and Buckslip then send the request to N1 via email.

46. Once a final decision has been made on the request, N1 will return the signed TAB A – Response Letter – RA ICO *Rank/Rate Last Name*.

47. N13 Front Office will save the letter in the Sailor's RA Request folder as "DCNO Signed – *Rank/Rate Last Name* RA" and a notification email will be sent to N131.

Phase 6 (Steps 48 – 50)

48. An email containing that letter is emailed to the Sailor via their command by replying to the original email request.
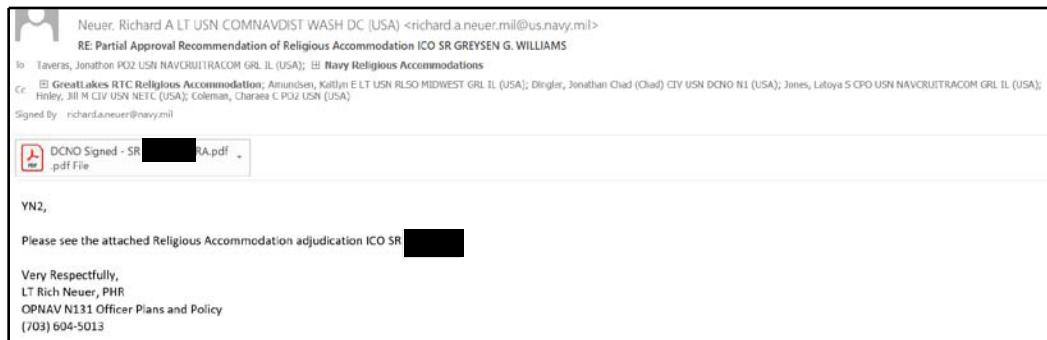
49. Update the RA Tracker workbook's Data tab to reflect the dates of the process and approval/disapproval.

50. Move the folder to RA Adjudications > 00 ARCHIVED REQUESTS.
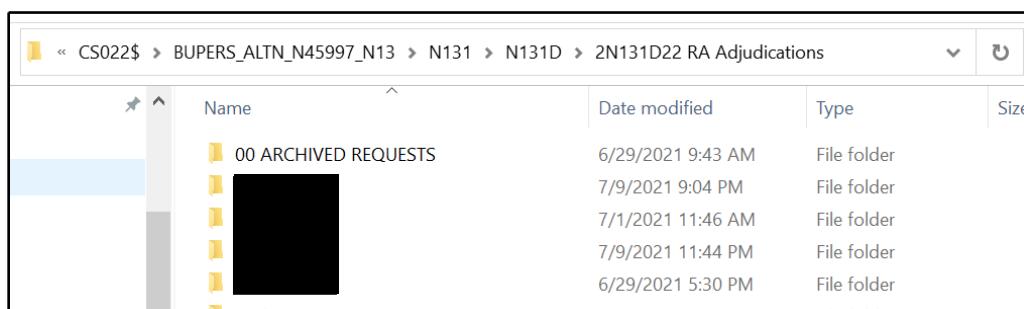
DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

1730
Ser ██████
████████

From: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)
To: ████████████████, USN
Via: Commanding Officer, ████████████████████████

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
       IMMUNIZATION REQUIREMENTS

Ref: (a) 42 U.S.C. §2000bb-1
        (b) DoD Instruction 1300.17 of 1 September 2020
        (c) SECNAVINST 1730.8B
        (d) ASN (M&RA) memo of 6 Jun 13
        (e) MILPERSMAN 1730-020
        (f) United States Attorney General memo of 6 Oct 17
        (g) Your ltr of ████████ w/ends
        (h) BUMED ltr 6320 Ser M44/████████ of ████

1. Pursuant to references (a) through (h), your request for religious accommodation through
waiver of immunization requirements is disapproved. You must receive all required vaccines.
However, you are free to request from your healthcare provider alternative vaccines that are
available and meet the Navy's immunization requirements, as determined by a credentialed
military healthcare provider. You are free to choose which COVID-19 vaccine to take. If you
choose a COVID-19 vaccine that requires two doses, you must receive your first dose within five
calendar (5) days upon receipt of this letter and complete the series as prescribed. If you choose
a one-dose vaccine you must receive the vaccine within five calendar (5) days upon receipt of
this letter.

2. In line with references (b) through (d), I am designated as the approval authority for requests
for religious accommodation.

3. Reference (a), the Religious Freedom Restoration Act (RFRA), states that the Government
may substantially burden an individual's exercise of religion only if it demonstrates that
application of the burden to the person is in furtherance of a compelling governmental interest
and is the least restrictive means of furthering that interest. Reference (b) incorporates the RFRA
and notes that the Government has a compelling interest in mission accomplishment, to include
military readiness, unit cohesion, good order and discipline, health and safety, on both individual
and unit levels. Additionally, unless it will have an adverse impact on mission accomplishment,
including military readiness, unit cohesion and good order and discipline, the Navy will
accommodate individual expressions of sincerely held beliefs of Sailors. Reference (f)

Enclosure (2)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
        IMMUNIZATION REQUIREMENTS

emphasizes that only those interests of the highest order can overbalance legitimate claims to the
free exercise of religion.

4.   All requests for accommodation of religious practices are assessed on a case-by-case basis.
In line with references (b) and (c), determination of a request for religious accommodation
requires consideration of the following factors:

    a.   Impact on military readiness, unit cohesion, good order and discipline, health and safety

    b.   Religious importance of the request

    c.   Cumulative impact of repeatedly granting similar requests

    d.   Whether there are alternatives available to meet the requested accommodation and

    e.   How other such requests have been treated

5.   In making this decision, I reviewed reference (g), including the endorsements from your
chain of command, the local chaplain and the advice of Chief, Bureau of Medicine and Surgery
in reference (h).

    a.   A waiver of immunizations would have a predictable and detrimental effect on your
readiness and the readiness of the Sailors who serve alongside you in both operational and non-
operational (including training) environments. Primary prevention of disease through
immunizations has been a key enabler for maintaining force health and avoiding disease-related
non-battle injury. Granting your request will have a direct and foreseeable negative impact on
the compelling Government interests of military readiness and health of the force.

    b.   While serving in the U.S. Navy, you will inevitably be expected to live and work in close
proximity with your shipmates. I find that disapproval of your request for a waiver of
immunization requirements is the least restrictive means available to preserve the Department of
Defense's compelling interest in military readiness, mission accomplishment and the health and
safety of military Service Members.

6.   The Navy is a specialized community governed by a discipline separate from that of the rest
of society. While every Sailor is welcome to express a religion of choice or none at all, our
greater mission sometimes requires reasonable restrictions. You have my sincere best wishes for
your continued success in your Navy career.

NOWELL.JOHN.BL   Digitally signed by
ACKWELDER.JR.1   NOWELL.JOHN.BLACKWELDER
057611835   .JR.1057611835
                 Date: 2021.11.23 12:58:47 -05'00'

JOHN B. NOWELL, JR

Copy to:
OPNAV (N131, N0975)
BUMED

EXHIBIT

2

Air Force denies more than 2,1(COVID-19 vaccine religious exemption requests

BY ELLEN MITCHELL - 12/22/21 05:52 PM EST

371 SHARES   SHARE   TW

The Air Force has denied 2,130 requests for religious accommodations to the Pentagon's COVID-19 vaccine mandate and has not approved any, the service announced Tuesday.

Air Force and Space Force commands received more than 10,000 requests from airmen and guardians across the active duty, National Guard and Reserve hoping to avoid the coronavirus shot.

More than 8,630 individuals are still awaiting the Air Force's decision on their requests, which are "individually reviewed by Religious Resolution Teams at the wing, garrison, major command and field command levels," the service said in a statement announcing the data.

The teams, which are made up of chaplains, medical providers, judge advocates and other subject matter experts, "make recommendations on determining the least restrictive means possible to accommodate a sincerely held belief without putting mission accomplishment at risk."

Thousands of religious accommodation requests to the vaccine have been denied across the military services since Defense Secretary Lloyd Austin in late August said the shot would be mandatory for all military personnel.

The Navy on Wednesday said it has received 2,844 active-duty requests for religious accommodation for the vaccine mandate, none of which have been approved.

The Marine Corps and Army, meanwhile, have received some 3,100 and 1,700 requests, respectively, according to The Associated Press.

The denials have caused frustration among service members and have even sparked a lawsuit by a group of Navy SEALs and sailors who claim the Defense Department has too high of standards for granting such exemptions.

A group of 47 Republican lawmakers has backed that case, currently being heard in a Texas federal court.

Within the Air Force, those whose religious accommodation requests are denied have five days after the denial to start the vaccination process, file an appeal with the Air Force surgeon general, or request to separate or retire if they are able, according to a Dec. 7 memo from Air Force Secretary Frank Kendall.

So far, no appeals to the surgeon general of the Air Force have been successful, with 135 denied and 152 still pending.

"Based on the number of disapproved accommodation requests at this point, Airmen and Guardians are encouraged to consider that operational requirements could result in requests for religious accommodations being denied," the Air Force cautioned.

If their appeal is denied, the five-day clock to begin vaccination is reset.

Those who still refuse the vaccine "will be subject to initiation of administrative discharge proceedings," the Air Force statement noted.

Overnight Defense & National Security — Thousands denied religious...

Overnight Health Care — FDA authorizes second COVID-19 bill, but...

As of this week, more than 97 percent of all service members are at least partially vaccinated, according to the Pentagon.

That percentage is nearly on par with the Air Force, which says nearly 96 percent of its force is at least partially vaccinated.

Roughly 17,000 airmen and guardians, however, remain unvaccinated, and the service has discharged 27 such service members, none of whom sought a religious or medical exemption.

TAGS   LLOYD AUSTIN   RELIGIOUS EXEMPTIONS   AIR FORCE

SHARE   TWEET